

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DAVID SWANSON,
Plaintiff,

v.

SALVIN DENTAL SPECIALTIES, INC.,
Defendant.

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No. 5:23-cv-00247

ORDER

AND NOW, this 26th day of April, 2023, upon consideration of Defendant Salvin Dental Specialties, Inc.'s Motion to Dismiss, ECF No. 6, Plaintiff David Swanson's response thereto, ECF No. 9, and for the reasons set forth in this Court's Opinion issued on this date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Dismiss, ECF No. 6, is **GRANTED in part and DENIED in part**, as follows:

a. Swanson's Title VII gender discrimination claim (Count III) is **DISMISSED WITHOUT PREJUDICE**. Therefore, Defendant's motion to dismiss this count is **GRANTED**.

b. Swanson's Title VII retaliation claim (Count IV) may proceed as pleaded. Defendant's motion to dismiss this count is **DENIED**.

2. Swanson is granted leave to amend his Complaint to renew the dismissed claim, and if he chooses to do so, the amended complaint must be filed **no later than May 17, 2023**. Swanson's failure to timely file an amended complaint will result in dismissal of this claim with prejudice and without further notice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge